

State of Montana 110(a)(2) SIP Requirements for ozone Executive Summary

A State Implementation Plan (SIP) identifies how the state will attain and maintain the primary and secondary National Ambient Air Quality Standards (NAAQS). The SIP contains regulations, source-specific requirements, non-regulatory items such as plans and inventories, and in some cases additional requirements promulgated by the US Environmental Protection Agency (EPA). The initial SIPs for states were approved by EPA on May 31, 1972. A state may revise its SIP with EPA approval as necessary. The federally enforceable SIP for Montana is compiled in 40 CFR Part 52 Subpart BB. Pursuant to the requirements of the Federal Clean Air Act (CAA), Montana declares that its SIP meets the requirements of 42 USC 7410(a)(1)(D)(i).

Relative to the 2008 ozone NAAQS, Montana has no ozone nonattainment areas (NAA) and no specific NAA control plans with respect to ozone. On April 30, 2012, EPA issued final designations providing that all areas (Counties) in Montana are attainment or unclassifiable for the 2008 revised ozone NAAQS. The enclosed SIP table outlines the requirements of section 110(a)(2)(A) through (M) of the CAA and addresses how Montana will implement, maintain and enforce the 2008 ozone NAAQS.

State authority for Montana's air quality program is codified in Chapter 2 - Clean Air Act of Montana (or MT CAA), in Title 75 (Environmental Protection) of the Montana Code Annotated (MCA), which confers upon the Board of Environmental Review (BER) and the Department of Environment Quality (Department) certain authorities to adopt rules and implement the MT CAA.

The regulatory authority to implement programs appropriate for controlling emissions of regulated air pollutants is contained in the Administrative Rules of Montana (ARM), specifically Chapter 8 of Title 17 for Air Quality.

Those requirements of 42 USC §7410(a)(2) that are in the approved SIP or recently submitted SIP revisions relate to enforceable emission limits and schedules for compliance; monitoring, source testing and emissions reporting; recordkeeping and reporting requirements; and permit fees. Some requirements, such as intergovernmental consultation, air quality modeling, and compliance with Part D of Title I of the CAA, are fulfilled during the development and submission to EPA as a SIP revision of attainment plans.

State of Montana 110(a)(2) SIP Requirements for ozone

§110(a)(2)	CAA Requirement	Montana's Requirements																																		
§110(a)(2) (A)	Include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions or emissions rights), as well as schedules and timetable for compliance.	<p>Montana has determined that no reductions in ozone emissions are required for maintenance of the 2008 ozone NAAQS. Enforceable control measures exist to protect the ozone NAAQS throughout the state. Montana implements a stationary source permit program which requires subject sources to demonstrate emissions will not cause or contribute to a violation of any NAAQS (ARM 17.8.749). Subject sources are further required to utilize best available control technology (BACT) when installing emission controls.</p> <p>Except for specific control measures adopted in BER orders, the emission limits and other air pollution control regulations are contained in the following subchapters of Title 17, Chapter 8, ARM: Subchapter 1 – General Provisions; Subchapter 3 – Emission Standards; Subchapter 4 – Stack Heights and Dispersion Techniques; Subchapter 6 – Open Burning; Subchapter 7 – Permit, Construction and Operation of Air Contaminant Sources; Subchapter 8 – Prevention of Significant Deterioration of Air Quality; Subchapter 9 – Permit Requirements for Major Stationary Sources or Major Modifications Locating within Nonattainment Areas; Subchapter 10 – Preconstruction Permit Requirements for Major Stationary Sources or Major Modifications Locating within Attainment or Unclassified Areas; Subchapter 16 – Emission Control Requirements for Oil and Gas Well Facilities Operating Prior to Issuance of a Montana Air Quality Permit; Subchapter 17 – Registration of Air Contaminant Sources.</p> <p>Montana does not exempt from legal enforcement actions excess emissions that occur during start-up, shutdown, maintenance, or malfunction. Emissions in excess of permit or regulatory limits are presumptively violations, subject to affirmative defenses with the burden of proof on the respondent. See 17.8.110 ARM.</p>																																		
		<table> <tr> <th>State Rule(s)</th><th>Federal Action*</th><th>Action Reference</th></tr> <tr><td>ARM 17.8.101 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> <tr><td>ARM 17.8.301 et seq.</td><td>approved</td><td>44 FR 14036</td></tr> <tr><td>ARM 17.8.401 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> <tr><td>ARM 17.8.401 et seq.</td><td>approved</td><td>61 FR 54947</td></tr> <tr><td>ARM 17.8.601 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> <tr><td>ARM 17.8.701 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> <tr><td>ARM 17.8.801 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> <tr><td>ARM 17.8.901 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> <tr><td>ARM 17.8.1001 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> <tr><td>ARM 17.8.1601 et seq.</td><td>Proposed approval</td><td>77 FR 67596</td></tr> <tr><td>ARM 17.8.1701 et seq.</td><td>Proposed approval</td><td>77 FR 67596</td></tr> </table>	State Rule(s)	Federal Action*	Action Reference	ARM 17.8.101 et seq.	approved	60 FR 36715	ARM 17.8.301 et seq.	approved	44 FR 14036	ARM 17.8.401 et seq.	approved	60 FR 36715	ARM 17.8.401 et seq.	approved	61 FR 54947	ARM 17.8.601 et seq.	approved	60 FR 36715	ARM 17.8.701 et seq.	approved	60 FR 36715	ARM 17.8.801 et seq.	approved	60 FR 36715	ARM 17.8.901 et seq.	approved	60 FR 36715	ARM 17.8.1001 et seq.	approved	60 FR 36715	ARM 17.8.1601 et seq.	Proposed approval	77 FR 67596	ARM 17.8.1701 et seq.
State Rule(s)	Federal Action*	Action Reference																																		
ARM 17.8.101 et seq.	approved	60 FR 36715																																		
ARM 17.8.301 et seq.	approved	44 FR 14036																																		
ARM 17.8.401 et seq.	approved	60 FR 36715																																		
ARM 17.8.401 et seq.	approved	61 FR 54947																																		
ARM 17.8.601 et seq.	approved	60 FR 36715																																		
ARM 17.8.701 et seq.	approved	60 FR 36715																																		
ARM 17.8.801 et seq.	approved	60 FR 36715																																		
ARM 17.8.901 et seq.	approved	60 FR 36715																																		
ARM 17.8.1001 et seq.	approved	60 FR 36715																																		
ARM 17.8.1601 et seq.	Proposed approval	77 FR 67596																																		
ARM 17.8.1701 et seq.	Proposed approval	77 FR 67596																																		

§110(a)(2) (B)	Provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality, and upon request, make such data available to the Administrator.	<p>On an annual basis, the Department evaluates trends in industrial and economic development, meteorology, and population growth, and conducts other scientific, social, and geographic observations regarding areas of the state which may be adversely affected by the impact of criteria pollutants. Based on this information, the Department identifies potential air pollution “hotspots.” The Department, with participation and input from local county air pollution control program staff and other interested persons, develops decisions regarding monitor type, location, and schedules for monitoring air quality in these hotspots. The product of this decision-making process, the annual monitoring network plan, is made available by the Department for public review and comment prior to submission to EPA. Further, in accordance with 40 CFR 58.10, beginning in July 2008, and every 5 years thereafter, Montana develops a periodic network assessment to ensure the effective implementation of an adequate ambient air quality surveillance system. The periodic network assessment is made available by the Department for public review and comment prior to submission to EPA.</p> <p>Pursuant to its Quality Assurance Project Plans, the Department makes arrangements to operate and maintain federal reference monitors and establishes federally-approved protocols for sample collection, handling, and analysis. Ambient air monitoring data is subject to strict quality assurance/quality control processes. Air monitoring data is submitted to EPA’s national “AIRS” database.</p> <p>There are no communities in Montana that are currently required to have ambient ozone monitors. However, the Department operates six non-required ozone monitoring sites, in addition to the required NCore site, in an effort to determine ozone background concentrations and potential impacts. Each year during the annual monitoring review process, the need for ambient ozone monitoring is carefully analyzed.</p> <p>The provisions in state law for the collection and analysis of ambient air quality data are contained in the MT CAA, 75-2-101 et seq., MCA, and specifically, 75-2-112, MCA, Powers and Responsibilities of Department.</p>
§110(a)(2) (C)	Include a program to provide for enforcement the of measures in § 110(a)(2)(A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved, including a permit program as	<p>Congress directed States to develop and implement measures to prevent significant deterioration (PSD) of air quality pursuant to 42 USC §§7470, et seq. and 7501, et seq. Pursuant to ARM 17.8.130, sources subject to the provisions of Title 17, Chapter 8, subchapters 8, 9, and 10, ARM, regulating construction of new or modified stationary sources consistent with PSD and New Source Review (NSR) requirements, shall be subject to enforcement. The Department has the authority to issue a notice of violation, complaint regarding the source violation, and an order to take corrective action. On March 29, 2006, in response to EPA’s promulgation of the NSR Reform provisions, Montana submitted to EPA a demonstration of existing program equivalency (equivalency demonstration) as approved under the rules cited in the following table. To date, EPA has not responded to Montana’s equivalency demonstration.</p>

	required in parts C and D.	State Rule(s)	Federal Action*	Action Reference
		ARM 17.8.130	approved	71 FR 3770
		ARM 17.8.801 et seq.	approved	60 FR 36715
		ARM 17.8.901 et seq.	approved	60 FR 36715
		ARM 17.8.1001 et seq.	approved	60 FR 36715
		<p>*EPA subsequently approved revisions to many of these rules promulgated in later Federal Register publications except for those revisions upon which EPA failed to act and which are currently being addressed as part of a larger EPA Region 8 SIP backlog initiative.</p> <p>The provisions in state law for the enforcement of emission limitations and other control measures, means or techniques are contained in the MT CAA, 75-2-101 et seq., MCA, and specifically, 75-2-111, MCA, Powers of the Board and 75-2-112, MCA, Powers and Responsibilities of Department.</p> <p>On August 20, 2008, the Department provided EPA a report regarding status and implementation authority of its NSR/PSD program in light of EPA rulemaking. The Department stated the following:</p> <p style="padding-left: 40px;">“On June 3, 2008, EPA promulgated the final Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Tailoring Rule (“Tailoring Rule,” Docket # EPA-HQ-OAR-2009-0517). In the preamble for the Tailoring Rule EPA requested feedback regarding each state’s ability to implement the provisions of the Tailoring Rule.</p> <p style="padding-left: 40px;">Montana’s existing rules and regulations provide the framework for implementation of PSD and Title V programs consistent with the Tailoring Rule provisions”.</p> <p>Montana is not a state for which EPA “narrowed” its previous approval of SIP PSD programs that apply to GHG-emitting sources. 75 FR 82536.</p>		
§110(a)(2) (D)	(i) Contain adequate provisions prohibiting any source or other type of emissions activity from emitting any air pollutant in amounts which will: (I) Contribute significantly to nonattainment in, or interfere with maintenance by, any other State with	<p>The Montana SIP contains adequate provisions prohibiting any source or type of emissions activity within the State from emitting any air pollutant in any amounts that will contribute significantly to non-attainment in or interfere with the maintenance by any other State with respect to the ozone NAAQS. These rules and regulations are included in ARM Chapter 17.8, subchapters 7, 8, 9, 10, 16, and 17.</p> <p>Sources in Montana are subject to permit requirements pursuant to NSR and Montana Air Quality Permit (MAQP) requirements. Montana law requires that any proposal constructing a new source that has a potential to emit 25 tons per year or greater or modifying a facility that has the potential to exceed an amount greater than 5 tons per year of ozone Precursor emissions (nitrogen oxides and volatile organic compounds) would be subject to the requirements of the MAQP rules in ARM 17.8.740, et seq. The facility also would be prohibited from legally operating without first applying for and obtaining a major NSR permit under the provisions of ARM 17.8.801, et seq.</p>		

	<p>respect to any such national primary or secondary ambient air quality standard.</p> <p>(II) Interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility.</p> <p>(ii) Insure compliance with the applicable requirements CAA sections § 126 and 115 (interstate and international pollution abatement).</p>	<p>In addition to controls that may be required under the MAQP program and NSR, sources would also be required to comply with control, emission limitations, and monitoring requirements under applicable Maximum Achievable Control Technology (MACT) and New Source Performance Standards (NSPS) that may minimize any ozone precursor emissions. These rules, current operating practices, and control equipment prevent sources in Montana from emitting ozone precursor emissions in amounts that would contribute significantly to non-attainment in or interfere with the maintenance by any other State with respect to the ozone NAAQS. It would appear unlikely ozone would contribute significantly to nonattainment in other states. With regard to the 110(a)(2)(D)(i)(II) visibility requirement, ozone is generally insignificant to related impacts on visibility impairment, and significant impacts from ozone emissions are mostly located away from state borders. Due to the limited amount of ozone in Montana, the Department has concluded that ozone from Montana:</p> <ol style="list-style-type: none"> 1) Does not significantly contribute to nonattainment in or interfere with maintenance for any other State with regards to the ozone NAAQS; 2) Does not interfere with the measures required to implement prevention of significant deterioration or for the protection of visibility in any other State; and 3) Does not preclude the State from insuring compliance with CAA section §126 and §115. <p>Consistent with 40 CFR 166(q)(2)(iv), Montana's PSD program requires the Department to notify potentially affected states, tribes, and federal land managers of its intent to approve or disapprove a PSD permit application. ARM 17.8.826.</p>
§110(a)(2)(E)(i)	<p>Provide: (i) necessary assurances that the state (or, except where the administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such</p>	<p>Whenever Montana revises its SIP, the submittal includes copies of the appropriate rules and regulations to document that the state has adopted the emission limitations and other measures necessary for attainment and maintenance of any NAAQS, including the 2008 ozone NAAQS. No organizations outside of the Department will participate in implementing or enforcing this SIP.</p> <p>No state or federal provisions prohibit the implementation of any provision of the Montana SIP. Montana devotes adequate resources to SIP development and maintenance sufficient to ensure attainment and maintenance of the NAAQS for ozone. Montana receives, from EPA, grant monies intended to fund programs to protect NAAQS. Montana allocates a portion of the EPA grant money to fund SIP activities for attainment and maintenance of the NAAQS. Montana imposes and collects fees from permit applicants. Montana allocates all of the permit fee revenue to activities associated with permitting and compliance of regulated sources of air pollutants, including criteria pollutant emissions. Montana also receives state general funds to conduct state air quality program activities. Montana allocates all state general funding to non-permit air program activities, including SIP programs for attainment and maintenance of the NAAQS.</p> <p>The Air Resources Management Bureau has 49.14 fulltime equivalent positions with an annual projected budget of \$5,695,973 dollars for state fiscal year 2014. The program funding is broken down as follows:</p>

	implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof).	<p>\$163,406 from state general funds, \$1,562,606 from federal grants, and \$3,969,961 from state special fees. Montana does not anticipate the need for additional resources to implement the plan for the ozone NAAQS beyond those which have been utilized for the preparation of the plan and plan revisions submitted to EPA and other current programmatic demands. Montana anticipates funding amounts will remain at similar levels over the next five years.</p> <p>The provisions in state law which provide for adequate resources are contained in the MT CAA, 75-2-101 et seq., MCA. More specifically, those provisions are contained in 75-2-102, 75-2-111, and 75-2-112, MCA.</p>												
§110(a)(2)(E)(ii)	(ii) requirements that the state comply with the requirements respecting state boards, and	Montana is a state that does not have a board or body that approves permits or enforcement orders under the federal Clean Air Act. Laws related to conflict of interest in Montana state government are set forth in 2-2-101, et seq., MCA.												
§110(a)(2)(E)(iii)	(iii) Necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision.	There are five county air pollution control programs authorized to carry out certain portions of Montana's SIP within their respective county boundary. See § 75-2-102 and 75-2-301, MCA. The Department and the BER retain oversight authority in the event the local authority fails to act. § 75-2-111 and 75-2-112, MCA.												
§110(a)(2)(F)	Require, as may be prescribed by the Administrator: (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts	<p>Montana requires stationary sources subject to state regulation to annually submit all information necessary to complete a source emissions inventory. Affected permits require emissions monitoring from stationary sources of air pollution. Further, on an annual basis, the Department compiles a statewide emissions inventory of all regulated sources for the evaluation of compliance with applicable standards and inclusion in EPA database.</p> <table border="1"> <thead> <tr> <th>State Rule(s)</th><th>Federal Action</th><th>Action Reference</th></tr> </thead> <tbody> <tr> <td>ARM 17.8.105</td><td>Approved</td><td>66 FR 42427</td></tr> <tr> <td>ARM 17.8.106</td><td>Approved*</td><td>66 FR 42427</td></tr> <tr> <td>ARM 17.8.505</td><td>Not submitted</td><td>State only rule</td></tr> </tbody> </table> <p>*EPA subsequently approved revisions to many of these rules promulgated in later Federal Register publications except for those revisions upon which EPA failed to act and which are currently being addressed as part of a larger EPA Region 8 SIP backlog initiative.</p>	State Rule(s)	Federal Action	Action Reference	ARM 17.8.105	Approved	66 FR 42427	ARM 17.8.106	Approved*	66 FR 42427	ARM 17.8.505	Not submitted	State only rule
State Rule(s)	Federal Action	Action Reference												
ARM 17.8.105	Approved	66 FR 42427												
ARM 17.8.106	Approved*	66 FR 42427												
ARM 17.8.505	Not submitted	State only rule												

	<p>of emissions and emissions-related data from such sources, and</p> <p>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;</p>	
§110(a)(2) (G)	<p>Provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority.</p>	<p>On January 3, 2006, EPA approved Montana's Emergency Episode Avoidance Plan (EEAP) in 71 FR 19.</p>
§110(a)(2) (H)	<p>Provide for revision of such plan: (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the</p>	<p>Montana's SIP is a compilation of regulations, plans, and submittals that act to improve and maintain air quality in accordance with national standards. The MT CAA confers upon the BER the authority to adopt, amend, and repeal rules for administering, implementing, and enforcing rules promulgated to regulate emissions of air pollutants, including rules necessary to establish measures to attain and maintain the NAAQS. The Governor submits for inclusion into the SIP rules determined to be necessary to attain and maintain the NAAQS.</p> <p>State law contains provisions for adoption of rules and regulations in the MT CAA, 75-2-101 et seq., MCA. More specifically, those provisions are contained in 75-2-102, MCA, Intent – Policy and Purpose; 75-2-111, MCA, Powers of the Board and 75-2-112, MCA, Powers and Responsibilities of Department. Nothing in Montana's statutory or regulatory authority prohibits the State from revising the SIP in the event of a revision to the NAAQS.</p>

	national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this Act.										
§110(a)(2) (I)	In the case of a plan or plan revision for an area designated as a NAA, meet the applicable requirements of part D (relating to NAA);	All control plans for NAAs in Montana are prepared in accordance with the applicable requirements of 42 USC 7501-7505. NAA plans required under part D are required on a different schedule from the section 110(a)(2) infrastructure elements and will be reviewed and acted upon through a separate process. The currently approved NAA SIP provisions listed in 40 CFR 52, Subpart BB also meet Subpart D requirements.									
§110(a)(2) (J)	Meet the applicable requirements of § 121 (relating to consultation), section 127 (relating to public notification), and Part C (relating to prevention of significant deterioration of air quality and visibility protection);	<p>Montana satisfies EPA's requirements for intergovernmental relations, see 59 FR 2988. Montana has not changed or revoked consultation processes since that time. Montana holds public meetings and hearings on all SIP revisions in accordance with 40 CFR 51, Appendix V and Montana's open meeting laws. See 2-2-203, MCA.</p> <p>On January 3, 2006, EPA approved Montana's EEAP in 71 FR 19. Montana's EEAP provides for all criteria pollutants, including ozone. The EEAP contains provisions for disseminating information regarding an exceedance of the NAAQS to appropriate news media, health officials, law enforcement, and others. The Department notice includes recommendations for actions citizens may take to reduce the effect of their activities and reduce their exposure. Montana also complies with 40 CFR §51.930 during exceptional events.</p> <p>Congress directed States to develop and implement measures to prevent significant deterioration of air quality pursuant to 42 USC §7471. Montana adopted permitting requirements for major sources proposing to modify or construct; PSD rules in Subchapter 8 and nonattainment NSR rules in Subchapter 10 of Title 17, Chapter 8, ARM. Montana continues to implement and enforce these rules. Montana consults with Federal Land Managers as needed and/or required.</p> <table border="1"> <thead> <tr> <th>State Rule(s)</th><th>Federal Action</th><th>Action Reference</th></tr> </thead> <tbody> <tr> <td>ARM 17.8.801 et seq.</td><td>Approved*</td><td>60 FR 36715</td></tr> <tr> <td>ARM 17.8.1001 et seq.</td><td>Approved*</td><td>60 FR 36715</td></tr> </tbody> </table> <p>*EPA subsequently approved revisions to many of these rules promulgated in later Federal Register publications except for those revisions upon which EPA failed to act and which are currently being addressed as part of a larger EPA Region 8 SIP backlog initiative.</p>	State Rule(s)	Federal Action	Action Reference	ARM 17.8.801 et seq.	Approved*	60 FR 36715	ARM 17.8.1001 et seq.	Approved*	60 FR 36715
State Rule(s)	Federal Action	Action Reference									
ARM 17.8.801 et seq.	Approved*	60 FR 36715									
ARM 17.8.1001 et seq.	Approved*	60 FR 36715									

		EPA Region VIII has developed a Regional Haze Federal Implementation Plan (RH FIP) for Montana. This RH FIP will provide further visibility protection and improvements to federal Class I areas in Montana.															
§110(a)(2) (K)	<p>Provide for:</p> <p>(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and</p> <p>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</p>	<p>Montana requires an applicant proposing to construct or modify a source of criteria pollutants to demonstrate the facility can be expected to operate in compliance with applicable law and that it will not cause or contribute to a violation of any NAAQS. Sources subject to the provisions of Title 17, Chapter 8, subchapters 7, 8, 9, and 10, ARM (regulating construction of new or modified stationary sources consistent with PSD and NSR requirements) shall demonstrate the facility can be expected to operate in compliance with applicable law and that it will not cause or contribute to a violation of any NAAQS.</p> <table border="1"> <thead> <tr> <th>State Rule(s)</th><th>Federal Action*</th><th>Action Reference</th></tr> </thead> <tbody> <tr> <td>ARM 17.8.701 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> <tr> <td>ARM 17.8.801 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> <tr> <td>ARM 17.8.901 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> <tr> <td>ARM 17.8.1001 et seq.</td><td>approved</td><td>60 FR 36715</td></tr> </tbody> </table> <p>*EPA subsequently approved revisions to many of these rules promulgated in later Federal Register publications except for those revisions upon which EPA failed to act and which are currently being addressed as part of a larger EPA Region 8 SIP backlog initiative.</p> <p>Absent any privacy restrictions regarding the release of confidential business information, all preconstruction data and analysis regarding the results of source predictive modeling for purposes of NAAQS compliance is public information available for anyone, including EPA, to review upon request.</p>	State Rule(s)	Federal Action*	Action Reference	ARM 17.8.701 et seq.	approved	60 FR 36715	ARM 17.8.801 et seq.	approved	60 FR 36715	ARM 17.8.901 et seq.	approved	60 FR 36715	ARM 17.8.1001 et seq.	approved	60 FR 36715
State Rule(s)	Federal Action*	Action Reference															
ARM 17.8.701 et seq.	approved	60 FR 36715															
ARM 17.8.801 et seq.	approved	60 FR 36715															
ARM 17.8.901 et seq.	approved	60 FR 36715															
ARM 17.8.1001 et seq.	approved	60 FR 36715															
§110(a)(2) (L)	<p>Require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover—</p> <p>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</p> <p>(ii) if the owner or operator receives a permit for such source,</p>	<p>Montana has an approved Title V permitting program. Montana requires an applicant proposing to construct or modify an air pollution source to pay an application fee. See ARM 17.8.504. Pursuant to ARM 17.8.505, Montana assesses an annual air quality operation fee against the owner or operator of any source issued a MAQP, or an operating permit, or which is registered with the Department as an oil and gas facility under ARM 17.8.1701, et seq.</p> <table border="1"> <thead> <tr> <th>State Rule(s)</th><th>Federal Action</th><th>Action Reference</th></tr> </thead> <tbody> <tr> <td>ARM 17.8.504</td><td>Not submitted</td><td>State only rule</td></tr> <tr> <td>ARM 17.8.505</td><td>Not submitted</td><td>State only rule</td></tr> <tr> <td>ARM 17.8.1701, et seq.</td><td>Proposed approval</td><td>77 FR 67596</td></tr> </tbody> </table>	State Rule(s)	Federal Action	Action Reference	ARM 17.8.504	Not submitted	State only rule	ARM 17.8.505	Not submitted	State only rule	ARM 17.8.1701, et seq.	Proposed approval	77 FR 67596			
State Rule(s)	Federal Action	Action Reference															
ARM 17.8.504	Not submitted	State only rule															
ARM 17.8.505	Not submitted	State only rule															
ARM 17.8.1701, et seq.	Proposed approval	77 FR 67596															

	the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;													
§110(a)(2) (M)	Provide for consultation and participation by local political subdivisions affected by the plan.	<p>As a matter of practice, the Department consults with the local agencies when necessary to implement a control plan for a NAA. The Department also meets with county air pollution control program staff and discusses monitoring issues, including ozone, prior to making decisions regarding monitoring needs, monitor type, locations, and monitoring schedules.</p> <p>Section 75-2-112(2)(j) of the MT CAA requires the Department to "...advise, consult, contract, and cooperate with other agencies of the state, local governments, industries, other states, interstate and inter-local agencies, the United States, and any interested persons or groups;..."</p> <p>Parties affected by Department actions, including local political subdivisions, may petition the BER for a hearing and address of their grievances, see ARM 17.8.140, 17.8.141 and 17.8.142.</p> <table border="1"> <thead> <tr> <th>State Rule(s)</th><th>Federal Action</th><th>Action Reference</th></tr> </thead> <tbody> <tr> <td>ARM 17.8.140</td><td>Approved</td><td>66 FR 42427</td></tr> <tr> <td>ARM 17.8.141</td><td>Approved</td><td>66 FR 42427</td></tr> <tr> <td>ARM 17.8.142</td><td>Approved</td><td>66 FR 42427</td></tr> </tbody> </table>	State Rule(s)	Federal Action	Action Reference	ARM 17.8.140	Approved	66 FR 42427	ARM 17.8.141	Approved	66 FR 42427	ARM 17.8.142	Approved	66 FR 42427
State Rule(s)	Federal Action	Action Reference												
ARM 17.8.140	Approved	66 FR 42427												
ARM 17.8.141	Approved	66 FR 42427												
ARM 17.8.142	Approved	66 FR 42427												